

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
September 9, 2013

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Monday, September 9, 2013 at 6:30 p.m. in the Village Hall.

Councilmembers present: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.

Mayor Riley presided.

The minutes of the August 13, 2013 Council meeting were presented by the Clerk. Councilmember Turner noted that the word "Schools" should be inserted between "Mayfield" and "Liaison" on page 1, paragraph 4, and line 2. It was moved by Councilmember Schneider, seconded by Councilmember Frankel, that the minutes, as amended, be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
 Nays: None.
 Motion carried.

Pay Ordinance #1157 in the amount of \$410,749.59 was presented by the Clerk. Councilmember Frankel asked if the portion of the Chagrin Valley Dispatch contained in the Capital Improvement Fund was still part of the initial dispatch switch over or if that has been completed. Police Chief Whitmer responded there is still a portion to be determined once total costs and new partners have been identified. Finance Administrator Lechman added that other expenses not related to the equipment were also included in the Capital Improvement Fund, including the new front door.

It was moved by Councilmember Welsh, seconded by Councilmember Turner, that Pay Ordinance #1157 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
 Nays: None.
 Motion carried.

The financial statement for the period ending August 31, 2013 was presented by the Clerk. Councilmember Barnes reviewed certain YTD results, highlighting as follows:

- Operating revenue for August was just over \$600,000.
- Operating expenses for August was just over \$300,000. The resulting surplus was due to the real estate taxes received in August.
- Inheritance taxes YTD are approximately \$200,000 compared to \$143,000 last year.
- \$5.6 Million for Cash and Investments.
- Unfunded debt is just under \$700,000.
- Dispatch Operating Fee YTD is \$39,000 versus zero last year (due to the switch to Chagrin Valley Dispatch).

- Village Hall expenses are at \$55,000 YTD versus \$36,000 last year.

Additionally, Councilmember Barnes noted that legal expenses are about double compared to last year. He explained that increase was due in part to the negotiation of the alarm contract as well as the Veale property discussions. Councilmember Barnes concluded his summary noting the Capital Improvement Fund compared to the Budget and reminding Council that the road program was just starting and there would be significant catch up as it relates to such expenses.

Mayor Riley presented his report wherein he stated that the Village had been approached by Chagrin Valley Hunt Club with respect to renewing its lease which expires next year. He confirmed with Council that they are in favor of renegotiating that lease and then requested that the Real Estate Committee proceed with respect to the same. Mayor Riley announced that the next shredding day is scheduled for Saturday, November 9th from 9:00 a.m. to Noon at the parking lot of the Community Building. He concluded his report by mentioning the recent success of the Fieldstone Farms Annual Benefit event and shared that he received many positive accolades from the event organizers with respect to the cooperation and assistance from the Police, Fire and Service Departments.

The Clerk had nothing to report.

Councilmember Schneider announced that the Community Club barbeque dinner is being held on Friday, September 27th at the Community House from 6:00-8:00 p.m. and encouraged attendance at the same. She added that the Community Club was going to work with the Police Department to deliver the welcome bags to new residents. Councilmember Frankel inquired whether the welcome bags contained any information regarding Council. Mayor Riley mentioned the bags contained a welcome letter from the Mayor. Councilmember Schneider said she would follow up on what is included in the welcome bags and concurred that information about Council should be included.

Councilmember Schneider noted that if the new website is not ready by September 30, 2013, a message will be displayed that states the website is “under construction.”

Councilmember Welsh on behalf of the Cemetery Committee indicated that the Committee, in response to the recent donation by Morris Everett, Jr., accepted the fundraising idea and requests Council to set up a fund for donations for renovations to the cemeteries. Councilmember Welsh added that there was nothing new to report with regard to the possible expansion of the North Cemetery. Mayor Riley added that discussions with the land owner were ongoing.

Police Chief Whitmer provided a written report and indicated to Council that there were 741 calls for service in the past month. He explained that under the new Chagrin Valley Dispatch procedures, 119 of those calls were non-billable – resulting in 622 billable calls. As an example of service call decline, Police Chief Whitmer stated prior to the dispatch switch, the number of billable calls in June and July were 676 and 639, respectively. In addition to the decrease in calls, he added that things were going well. He reported that some Councilmembers recently visited Chagrin Valley Dispatch. Police Chief Whitmer announced that an open house

at the new facility opening in Bedford would be scheduled sometime in November. In connection with the transition of the new alarm monitoring, he reported that 259 out of 387 households switched to the new alarm monitoring system.

Councilmember Turner questioned if the Police Department report could be amended to show a breakdown between billable vs. non-billable calls for dispatch. Police Chief Whitmer agreed and also stated that a report provided by Chagrin Valley Dispatch to all of its participating communities is expected next month which provides significant detail. He added in connection with Chagrin Valley Dispatch that Highland Hills has joined and that the communities of Solon and Twinsburg have expressed an interest. Mayfield Village continues to consider joining Chagrin Valley Dispatch. The addition of new communities would result in reduced costs for the Gates Mills.

A written report was provided by Service Director Biggert.

Chief Robinson provided the Fire Department report. In response to Councilmember Reynolds' question as to whether trucks are sent in response to carbon monoxide calls, he answered that general protocol is for a car – not trucks – to respond. Councilmember Turner brought up the topic of the recent closure of a gas well. Chief Robinson confirmed that a gas well was closed (due to production levels having dropped) and provided an explanation to Council of the process for closing a gas well. Chief Robinson advised Council that it is required that the site be made as it was before. In response to Councilmember Frankel's inquiry, he confirmed that the gas well operator is responsible for the closure process. He added that he recently visited the site of the recent closure and opined that the location looked very nice.

Resolution #2013-19 entitled "A Resolution Approving the Sale of an Excess Used Police Vehicle" was introduced by Councilmember Reynolds and read by the Clerk. Councilmember Reynolds explained this Resolution was to authorize selling a police vehicle with over 86,000 miles and acknowledged that the bids received for the same seemed fair based on such mileage.

It was moved by Councilmember Reynolds, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2013-19 be placed upon its final passage. The reason for the motion to suspend was due to the fact the bid was good for only 30 days.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Reynolds, seconded by Councilmember Schneider, that Resolution #2013-19 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Resolution #2013-20 entitled "A Resolution Approving the Sale of an Excess Used Police Vehicle" was introduced by Councilmember Reynolds and read by the Clerk. Councilmember Reynolds explained this Resolution was to authorize selling a police vehicle with over 116,000 miles and acknowledged that the bids received for the same seemed fair based on the mileage.

It was moved by Councilmember Reynolds, seconded by Councilmember Welsh, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2013-20 be placed upon its final passage. The reason for the motion to suspend was due to the fact the bid was good for only 30 days.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Reynolds, seconded by Councilmember Turner, that Resolution #2013-20 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Resolution #2013-21 entitled "A Resolution Awarding The Suffolk Estates Force Main Replacement Project to Precise Boring of Ohio and Declaring an Emergency" was introduced by Councilmember Barnes and read by the Clerk. Councilmember Barnes requested that Service Director Biggert provide a brief explanation. Service Director Biggert explained this Resolution is to replace a cast iron line with a plastic line. Although the project has been contemplated for several years, he explained that the timing of starting this project now is based on the fact that the county has agreed to split the costs for this project. He stated his recommendation for this contract includes an increased pipe size (from 6" to 8") and noted that the bid came in under estimate. Mayor Riley inquired what the total cost to the Village would be for this project. Councilmember Barnes answered \$125,000. Councilmember Frankel asked what the difference was between the 6" and 8" lines. Service Director Biggert responded size and capacity. He added that due to historical flooding problems, the larger line would allow for extra capacity for flow if necessary. Councilmember Frankel questioned if the increased size was worth \$83,400. In consideration of the flooding that has occurred (on average of 3 times a year) and the damage that has occurred to residents' homes, Service Director Biggert confirmed the larger size and corresponding cost was warranted. Councilmember Frankel asked if there would be engineering fees to go along with the cost. Service Director Biggert explained that the drawings were already completed. However, there would be minor costs with regard to certain filings required by the County. Councilmember Welsh asked whether homeowners would be assessed. Service Director Biggert explained that homeowners are already assessed through property taxes based on frontage and that no additional special assessment would occur at this time. Councilmember Turner inquired if the new line would connect to an existing 6" line. Service Director Biggert responded that the new line would tie into a 24" or 36" main.

It was moved by Councilmember Frankel, seconded by Councilmember Barnes, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2013-21 be placed upon its final passage. The reason for the motion to suspend was due to the fact the bid was good for a limited time and the risk of flooded basements.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Frankel, to pass Resolution #2013-21.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Resolution #2013-22 entitled "A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Fiscal Officer" was introduced by Councilmember Barnes and read by the Clerk. Finance Administrator Lechman explained that the amounts on this Resolution are based on the assumption that the levy will not pass. If the levy passes, approval will again be sought in November with the levy figure (3 mills) included. Mayor Riley asked what the consequence would be if the levy does not pass. In response, Finance Administrator Lechman stated it would be \$441,000 per year. Councilmember Barnes said a notice would be sent to the residents explaining that the levy is a renewal and would result in no additional costs to residents.

It was moved by Councilmember Barnes, seconded by Councilmember Schneider, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2013-22 be placed upon its final passage. The reason for the motion to suspend was due to the county's deadline.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Schneider, that Resolution #2013-22 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Resolution #2013-23 entitled "A Resolution Requesting the County Auditor to Advance Taxes from the Proceeds of Tax Levies Pursuant to Ohio Revised Code Section 321.34" was

introduced by Councilmember Barnes and read by the Clerk. Finance Administrator Lechman stated this Resolution would help the Village receive money as soon as possible.

It was moved by Councilmember Sogg, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2013-23 be placed upon its final passage.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Reynolds, that Resolution #2013-23 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Resolution #2013-24 entitled "A Resolution Authorizing the Mayor to Prepare and Submit an Application to Participate in The Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the Mayfield Road Culvert Replacement, Old Mill Road Slope Repair and Cedar Road Reconstruction and Declaring an Emergency" was introduced by Councilmember Barnes and read by the Clerk. This Resolution relates to the Mayfield Road culvert project which was in the Budget (\$400,000) for this year but was postponed due to not receiving funds from Issue 1. This will allow the Village to solicit funds for this project as well as two additional projects: Old Mill and Cedar Road. The Cedar Road project would be a joint project with Hunting Valley and involves the complete restoration and widening of Cedar Road. Mayor Riley asked when the Village would know if it would be receiving funding. Service Director Biggert answered around March or April 2014. Service Director Biggert confirmed Mayor Riley's inquiry that this was simply to request money and there was no commitment on behalf of the Village. Law Director Cannon asked if there was a first pass. Service Director Biggert confirmed and indicated that County Engineer Courtney usually gets a good idea in January and the Village may have the opportunity to readjust if necessary. Councilmember Frankel asked if there were any plans to widen Wilson Mills Road. Service Director Biggert indicated there was not. Councilmember Turner asked why this was an Emergency. A Motion to Suspend was necessary due to the application deadline.

It was moved by Councilmember Barnes, seconded by Councilmember Reynolds, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2013-24 be placed upon its final passage due to the application deadline.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Reynolds, that Resolution #2013-24 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Ordinance #2013-25 entitled "An Ordinance to Approve Current Replacement Pages to the Gates Mills Codified Ordinances" was introduced by Councilmember Welsh and read by the Clerk. Councilmember Welsh explained that over the course of the year there were certain changes to laws made by the State and the Village. Such changes were reviewed by the Prosecutor as well as the Service Department, Police and Fire Chiefs. This Ordinance is to authorize those changes.

It was moved by Councilmember Welsh, seconded by Councilmember Sogg, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2013-25 be placed upon its final passage.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Welsh, seconded by Councilmember Sogg, that Resolution #2013-25 be approved.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
Nays: None.
Motion carried.

Resolution #2013-26 entitled "A Resolution Extending the Contract with Rumpke of Northern Ohio, Inc. for the year 2014" was introduced by Councilmember Barnes and read by the Clerk. Councilmember Barnes explained that this Resolution was to extend the last year of the contract with Rumpke for trash collection services and advised that new bids would be sought next year. He added that the extended rates per the contract would be around \$1 increase per month over the 2013 rates. Councilmember Schneider asked when new bids would be sought. A brief discussion resulted in looking at going out for new bids around March or April 2014. Mayor Riley said as this is the first reading no action is required.

Business from the audience: Mary Ann Kish questioned with respect to the Rumpke contract if that Resolution was just extending the contract and not renegotiating the contract to change things such as curbside pickup vs. garage pickup. Service Director Biggert advised it was just an extension and that the contract for items such as delivery, service and price was already set. In response to her questions of pick up location (curbside vs. back door), Service Director Biggert noted that due to the type of equipment that is necessary for each type of pick up differs, it would be an all or nothing approach as to pick up and not either-or. Mayor Riley

suggested to Resident Kish that she plan to attend Service Committee meetings with regard to the topic of trash collection.

Sue Thorpe announced the passing of Marilyn Hogg, Ellis Smolik and Elizabeth Fager.

There being no further business, it was moved by Councilmember Welsh, seconded by Councilmember Turner, and unanimously carried, that the council meeting be adjourned.

Roll call: Ayes: Barnes, Frankel, Reynolds, Schneider, Sogg, Turner, Welsh.
 Nays: None.
 Motion carried.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Shawn M. Riley, Mayor